

RUBIN DECLARATION EXHIBITS CONTINUED

Rubin Exhibit 49

From: Evelyn Espinosa
Sent: Tuesday, May 01, 2007 3:41 PM
To: Courtney Nieman
Cc: Travis Hill
Subject: FW: Urgent
Importance: High

Once again... how do you/the video group KNOW who is on the protected list????????

From: Solow, Warren [mailto:Warren.Solow@viacom.com]
Sent: Tuesday, May 01, 2007 8:39 AM
To: Courtney Nieman
Cc: Mark M. Ishikawa; Evelyn Espinosa
Subject: Urgent
Importance: High

Courtney,

The enclosed takedowns were sent to one of our franchise owners, these need to go back up ASAP. I was under the impression that this user was on the "protected, do not takedown" list

From: andrew duncan [andrew@bullrun.com]
Sent: Tuesday, May 01, 2007 3:30 PM
To: Solow, Warren
Subject: FW: Video Removed: Copyright Infringement

From: DMCA Notice [mailto:no_reply@support.youtube.com]
Sent: Friday, April 27, 2007 11:43 PM
To: bullrunvideo
Subject: Video Removed: Copyright Infringement

YouTube | Broadcast Yourself™

Dear Member:

This is to notify you that we have removed or disabled access to the following material as a result of a third-party notification by Viacom claiming that this material is infringing:

Bullrun 2006 - Cash or Jail?: <http://www.youtube.com/watch?v=WgE9yL7hQW8>

Please Note: Repeat incidents of copyright infringement will result in the deletion of your account and all videos uploaded to that account. In order to avoid future strikes against your account, please delete any videos to which you do not own the rights, and refrain from uploading additional videos that infringe on the copyrights of others. For more information about YouTube's copyright policy, please read the [Copyright Tips](#) guide.

If you elect to send us a counter notice, please go to our [Help Center](#) to access the instructions.

Please note that under Section 512(f) of the Copyright Act, any person who knowingly materially misrepresents that material or activity was removed or disabled by mistake or misidentification may be subject to liability.

Sincerely,
YouTube, Inc.

Copyright © 2007 YouTube, Inc.

6/11/2008

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Bullrun 2006 - The Race Begins: <http://www.youtube.com/watch?v=cthl13PIKjY>

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BAYTSP 003722952

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Bullrun 2006 - Border Crossing: <http://www.youtube.com/watch?v=XC0kcEObuq8>

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Bullrun 2004 - Paris Drops the Flag: <http://www.youtube.com/watch?v=53unScrUfqM>

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Bullrun 2006 - Denied Entry to Canada: <http://www.youtube.com/watch?v=5fY2KwgR-8Q>

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Bullrun 2005 - Roadwork Problems?: http://www.youtube.com/watch?v=2sSWp49_qzA

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Bullrun 2006 - Man vs Machine: <http://www.youtube.com/watch?v=4QMDOidSKoM>

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Bullrun 2006 - Drive Fast, He Can't Catch Up: <http://www.youtube.com/watch?v=O-OaGm16PUQ>

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Bullrun 2004 - Omar Doughnut: <http://www.youtube.com/watch?v=lb980E1v8x0>

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Bullrun 2006 - These Cars Are Really Cool: <http://www.youtube.com/watch?v=zJBXo8HwVM0>

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Bullrun 2006 - Open Highway: <http://www.youtube.com/watch?v=421Vz-j14FQ>

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Bullrun 2006 - The Starting Line: <http://www.youtube.com/watch?v=CrEeafAR6yU>

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Bullrun 2006 - The Finish Line: <http://www.youtube.com/watch?v=AnLEi4K7csc>

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Bullrun 2005 - Mustang vs Lamborghini: http://www.youtube.com/watch?v=tl01_su0-Ow

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Bullrun 2005 - Rodman Gets No Love In Utah: <http://www.youtube.com/watch?v=UEbzU79jyCU>

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Busted in Utah: <http://www.youtube.com/watch?v=p96Q0ik4MXU>

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Bullrun 2004 - Page 3 Girls Pulled Over: http://www.youtube.com/watch?v=1e1fwoOzX_Q

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Gas Monkey Parking Enforcement: <http://www.youtube.com/watch?v=ZanWW7Cdck8>

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BAYTSP 003722970

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BAYTSP 003722971

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Subject: FW: Video Removed: Copyright Infringement

From: DMCA Notice [mailto:no_reply@support.youtube.com]
Sent: Friday, April 27, 2007 11:43 PM
To: bullrunvideo
Subject: Video Removed: Copyright Infringement

YouTube | Broadcast Yourself™

Dear Member:

This is to notify you that we have removed or disabled access to the following material as a result of a third-party notification by Viacom claiming that this material is infringing:

Bullrun 2005 - Never Travel Without 10 G's: http://www.youtube.com/watch?v=_HHoiTE7Ino

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Please note that under Section 512(f) of the Copyright Act, any person who knowingly materially misrepresents that material or activity was removed or disabled by mistake or misidentification may be subject to liability.

Sincerely,
YouTube, Inc.

Copyright © 2007 YouTube, Inc.

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Bullrun 2005 - Stars Arrive in Reno: <http://www.youtube.com/watch?v=HerhNKVTJq8>

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Bullrun Joe Macari Doughnut: <http://www.youtube.com/watch?v=zcb8ryqVgwE>

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Bullrun Joe Macari Gets Busted: <http://www.youtube.com/watch?v=4bztaH5BKkg>

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Bullrun 2005 - Dennis vs Darth: <http://www.youtube.com/watch?v=YJN-nbubS0Q>

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Bullrun 2004 - Lambo vs Jet: http://www.youtube.com/watch?v=OBmq_deLu7k

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BAYTSP 003722977

HIGHLY CONFIDENTIAL

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Dear Member:

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Bullrun 2005 - Cops, Cars & Superstars II: <http://www.youtube.com/watch?v=MBIqumSYpac>

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Bullrun 2005 - Polizi Cop Directions: <http://www.youtube.com/watch?v=tzMWEoMYZrs>

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Bullrun 2005 - Exotic Cars & the Navigator: <http://www.youtube.com/watch?v=40GvThPuxf0>

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Dear Member:

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Bullrun 2005 - Mustang vs Lamborghini: http://www.youtube.com/watch?v=tl01_su0-Ow

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Dear Member:

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Polizei Rental Car Beef: <http://www.youtube.com/watch?v=ueqlUuCntrM>

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Dear Member:

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Bullrun 2006 - Border Crossing: <http://www.youtube.com/watch?v=XC0kcEObuq8>

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Bullrun 2005 - A Close Call: <http://www.youtube.com/watch?v=8GM70HruNag>

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Bullrun 2005 - Rodman as a Sacrifice: http://www.youtube.com/watch?v=jC_PNO8HCTY

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Bullrun 2005 - The Gravel Shuffle: <http://www.youtube.com/watch?v=h0wUJGDKTA0>

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Bullrun 2005 - Welcome to San Fransisco: <http://www.youtube.com/watch?v=TbXIPylGq4Q>

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Bullrun 2005 - Pacific Coast Highway: <http://www.youtube.com/watch?v=SNMqUVftkwA>

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Bullrun 2006 - Cash or Jail?: <http://www.youtube.com/watch?v=WgE9yL7hQW8>

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Bullrun 2005 - Corvette vs Jet: <http://www.youtube.com/watch?v=fvKs2LANor0>

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Bullrun 2006 - Open Highway 2: <http://www.youtube.com/watch?v=Eai3CGI3a1s>

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Sincerely,
YouTube, Inc.

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Rubin Exhibit 50

From: Courtney Nieman
Sent: Tuesday, May 01, 2007 4:53 PM
To: 'Copyright Service'
Cc: Courtney Nieman; Evelyn Espinosa
Subject: Retraction Notice

Dear Sir or Madam,

We recently became aware that a takedown notice was sent in error and hereby withdraw the takedown of these URLs:

http://www.youtube.com/watch?v=jC_PNO8HCTY
http://www.youtube.com/watch?v=HerhNKVTJq8
http://www.youtube.com/watch?v=CrEeafAR6yU
http://www.youtube.com/watch?v=5jJJpY2Rdyc
http://www.youtube.com/watch?v=5fY2KwqR-8Q
http://www.youtube.com/watch?v=AnLEi4K7csc
http://www.youtube.com/watch?v=2sSWp49_qzA
http://www.youtube.com/watch?v=SNMqUVftkwA
http://www.youtube.com/watch?v=fvKs2lANor0
http://www.youtube.com/watch?v=p96Q0ik4MXU
http://www.youtube.com/watch?v=421Vz-j14FQ
http://www.youtube.com/watch?v=Eai3CG13als
http://www.youtube.com/watch?v=IEnCr_ZVRHg
http://www.youtube.com/watch?v=le1fw0OzX_Q
http://www.youtube.com/watch?v=cthI13P1KjY
http://www.youtube.com/watch?v=53unScrUfqM
http://www.youtube.com/watch?v=h0wUJGDKTA0
http://www.youtube.com/watch?v=UEbzU79jyCU
http://www.youtube.com/watch?v=O-OaGm16PUQ
http://www.youtube.com/watch?v=4bztAh5BKkg
http://www.youtube.com/watch?v=zJBXo8HwVM0
http://www.youtube.com/watch?v=4QMD0idSKoM
http://www.youtube.com/watch?v=ZanWW7Cdck8
http://www.youtube.com/watch?v=zs7DoPlqwZ4
http://www.youtube.com/watch?v=Ib980E1v8x0
http://www.youtube.com/watch?v=EfYVm1ZqGAo
http://www.youtube.com/watch?v=OBnq_deLu7k
http://www.youtube.com/watch?v=YJN-nbubs0Q
http://www.youtube.com/watch?v=TbX1PylGq4Q
http://www.youtube.com/watch?v=ueqlUuCntcM
http://www.youtube.com/watch?v=WgE9yL7hQW8
http://www.youtube.com/watch?v=8GM70HruNag
http://www.youtube.com/watch?v=40GvThPuxf0
http://www.youtube.com/watch?v=tzMWEoMYZrs
http://www.youtube.com/watch?v=MBIqumSYpac
http://www.youtube.com/watch?v=XC0kcEObuq8
http://www.youtube.com/watch?v=_HHoITE7Ino
http://www.youtube.com/watch?v=t101_su0-0w

This retraction includes the restoration, if necessary, of YouTube User Account: bullrunvideo. Please call me if you have any questions.

We take the integrity of our data seriously, and have procedures designed to provide reasonable assurance that our takedown notices are accurate. However, no procedure is 100% accurate. We apologize for any inconvenience this may have caused and appreciate the cooperation of your organization. If there is an issue of a similar problem in the future, or you would like to provide feedback, please contact us at the following address:

BayTSP, Inc. (copyright-compliance@baytsp.com) ISP-Compliance Feedback PO Box 1314 Los Gatos, California USA 95031

Fax: 1.408.341.2399
Email: VIACOM@baytsp.com
Email: copyright-compliance@baytsp.com.

Best regards,

Compliance Team :: BayTSP Inc.
PO Box 1314 Los Gatos, CA 95031
www.baytsp.com
408-341-2300 - Main 408-341-2399 - Fax

NOTE: The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

Rubin Exhibit 51

From: Housley, Michael [Michael.Housley@viacom.com]
Sent: Monday, May 07, 2007 3:46 PM
To: Courtney Nieman
Cc: Solow, Warren; O'Shea, Ashley
Subject: Bullrun
Categories: V - Viacom

Good Morning Courtney,

There has been some discussion on our end regarding the Bullrun takedown retraction. Per Warren's request, we would like Bay to reinstate the takedown. I believe there are 39 videos at issue. We will take another look at the user and decide what to do about the videos not addressed in this takedown. Please let me know if you have any questions.

Thanks,

Michael Housley
(212) 846-3945

6/23/2008

Rubin Exhibit 52

From: Courtney Nieman
Sent: Tuesday, May 08, 2007 7:22 PM
To: 'Copyright Service'
Subject: DMCA Notice - YouTube User bullrunvideo - please take down the following urls

Notice ID: 158-000001
Notice Date: 8 May 2007 12:11:27 GMT

YouTube, Inc.

Dear Sir or Madam:

BayTSP, Inc. ("BayTSP") swears under penalty of perjury that Viacom International Inc. has authorized BayTSP to act as its non-exclusive agent for copyright infringement notification. BayTSP's search of the protocol listed below has detected infringements of Viacom International Inc. copyright interests on your IP addresses as detailed in the attached report.

BayTSP has reasonable good faith belief that use of the material in the manner complained of in the attached report is not authorized by Viacom International Inc., its agents, or the law. The information provided herein is accurate to the best of our knowledge. Therefore, this letter is an official notification to effect removal of the detected infringement listed in the attached report. The attached documentation specifies the exact location of the infringement.

We hereby request that you immediately remove or block access to the infringing material, as specified in the copyright laws, and insure the user refrains from using or sharing with others Viacom International Inc.'s materials in the future (see, 17 U.S.C. 512). Additionally we request that the removed link state the following:

"This video has been removed due to copyright infringement."

We urge you to take immediate action to stop this infringing activity and inform us of the results of your actions.

Please respond indicating the actions you have taken to resolve this matter. The provided link has been assigned to this matter <http://webreply.baytsp.com/webreply/webreply.jsp?customerid=158&commhash=>. For email correspondence, please reference the above Notice ID in the subject line <mailto:mtvn@copyright-compliance.com?subject=RE%3A%20Notice%20ID%3A%20158%20Notice%20of%20Unauthorized%20Use%20of%20Viacom%20International%20Inc%20Property>.

Nothing in this letter shall serve as a waiver of any rights or remedies of Viacom International Inc. International Inc. with respect to the alleged infringement, all of which are expressly reserved. Should you need to contact me, I may be reached at the following address:

Mark Ishikawa
Chief Executive Officer
BayTSP, Inc.
PO Box 1314
Los Gatos, CA 95031

v: 408-341-2300
f: 408-341-2399
copyright-compliance@baytsp.com

*pgp public key is available on the key server at <ldap://keyserver.pgp.com>

Note: The information transmitted in this Notice is intended only for the person or

entity to which it is addressed and may contain confidential and/or privileged material. Any review, reproduction, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers.

This infringement notice contains an XML tag that can be used to automate the processing of this data. If you would like more information on how to use this tag please contact BayTSP.

Evidentiary Information:

Notice ID: 000001

Asset: Spk - BullRun

Protocol: YouTube

Username: bullrunvideo

IP Address: 208.65.152.1

URLs:

http://www.youtube.com/watch?v=jC_PNO8HCTY
<http://www.youtube.com/watch?v=HerhNKVTJq8>
<http://www.youtube.com/watch?v=CrEeafAR6yU>
<http://www.youtube.com/watch?v=5jJJpY2Rdyc>
<http://www.youtube.com/watch?v=5fY2KwgR-8Q>
<http://www.youtube.com/watch?v=AnLEi4K7csc>
http://www.youtube.com/watch?v=2sSWp49_qzA
<http://www.youtube.com/watch?v=SNMqUVftkwA>
<http://www.youtube.com/watch?v=fvKs2LANor0>
<http://www.youtube.com/watch?v=p96Q0ik4MXU>
<http://www.youtube.com/watch?v=421Vz-j14FQ>
<http://www.youtube.com/watch?v=Eai3CGl3als>
http://www.youtube.com/watch?v=IEnCr_ZVRHg
http://www.youtube.com/watch?v=lelfwoOzX_Q
<http://www.youtube.com/watch?v=cthI13PlKjY>
<http://www.youtube.com/watch?v=53unScrUfqM>
<http://www.youtube.com/watch?v=h0wUJGDKTA0>
<http://www.youtube.com/watch?v=UEbzU79jyCU>
<http://www.youtube.com/watch?v=O-OaGm16PUQ>
<http://www.youtube.com/watch?v=4bztah5BKkg>
<http://www.youtube.com/watch?v=zJBXc8HwVM0>
<http://www.youtube.com/watch?v=4QMD0idSKoM>
<http://www.youtube.com/watch?v=ZanWW7Cdck8>
<http://www.youtube.com/watch?v=zs7DoPlqwZ4>
<http://www.youtube.com/watch?v=Ib980Elv8x0>
<http://www.youtube.com/watch?v=EfYVm1ZqGAo>
http://www.youtube.com/watch?v=OBmq_deLu7k
<http://www.youtube.com/watch?v=YJN-nbubs0Q>
<http://www.youtube.com/watch?v=TbX1PylGq4Q>
<http://www.youtube.com/watch?v=ueqlUuCntcM>
<http://www.youtube.com/watch?v=WgE9yL7hQW8>
<http://www.youtube.com/watch?v=8GM70HruNag>
<http://www.youtube.com/watch?v=40GvThPuxf0>
<http://www.youtube.com/watch?v=tzMWEoMYZrs>
<http://www.youtube.com/watch?v=MBIqumSYpac>
<http://www.youtube.com/watch?v=XC0kceObuq8>
http://www.youtube.com/watch?v=_HHoITE7Ino
http://www.youtube.com/watch?v=t101_su0-0w

Courtney Nieman
Manager Client Services
BayTSP, Inc.
408-341-2314
AIM: BayTSPCarne
Have you checked out BayTSP's Piracy news web log? <http://www.baytsp.com/weblog>

The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone (408-341-2300) or email and delete the message from your system. Please do not copy the message or distribute it to anyone. This message was prepared at the request of counsel.

Rubin Exhibit 53

To: 'Copyright Service' <copyright@support.youtube.com>
From: Kevin Donahue <kevin@youtube.com>
Cc:
Bcc:
Received Date: 2007-01-03 23:54:00 CST
Subject: RE: [C#96554171] Thatsfunny YouTube Account

Yes.

-----Original Message-----

From: Copyright Service [mailto:copyright@support.youtube.com]
Sent: Wednesday, January 03, 2007 2:09 PM
To: kevin@youtube.com
Subject: Re: [C#96554171] Thatsfunny YouTube Account

Hey Kevin,

Did Paramount say that it was an accident and that they want it restored?

Micah

Original Message Follows:

From: Scott Hurwitz <scott@icedmedia.com>
Subject: Thatsfunny YouTube Account
Date: Wed, 27 Dec 2006 16:43:10 -0500

Still trying to get an email from someone regarding the termination
of this account.

The emails below should document our efforts thus far to have this
situation rectified.

Thank you.

Begin forwarded message:

> From: "Kevin Donahue" <kevin@youtube.com>
> Date: December 27, 2006 1:28:22 PM EST
> To: "Scott Hurwitz" <scott@icedmedia.com>
> Subject: RE: Thatsfunny YouTube Account
>
>
> Hi Scott,
>
>
>
> Please email support@youtube.com - they should be able to resolve
> the issue for you.
>
>
>
> Best,
>
> Kevin
>
>
>

> From: Scott Hurwitz [mailto:scott@icedmedia.com]
> Sent: Friday, December 22, 2006 10:17 AM
> To: kevin@youtube.com
> Subject: Thatsfunny YouTube Account
>
>
>
> Hey Kevin,
>
> Kristina from Paramount (one of my clients) passed your info over
> to me.
> Our Youtube profile was recently mistakenly closed due to a
> copyright infringement issue with one of my clients (Comedy Central).
>
> We did not get the opportunity to remove this content and now have
> no profile at YouTube.
>
> This account housed a lot of content from a variety of different
> genres and was starting to get some good comments, emails and
> subscribers.
>
> I've responded to the DMCA email but haven't heard anything back.
>
> Anything you can do to help us out?
>
> thanks so much,
>
> Scott
>
>
>
>
>
>
>
>
>
> here is the email we received from YouTube:
>
>
> DMCA Complaints <copyright_counternotice@youtube.com>
> Sent :
> Thursday, December 14, 2006 6:55 PM
> To :
> thatsfunny [REDACTED]
> Subject :
> Video Removed: Copyright Infringement
>
>
>
>
>
>
> YouTube | Broadcast Yourself
>
> Dear Member:
>
> This is to notify you that we have removed or disabled access to
> the following material as a result of a third-party notification by
> Comedy Central claiming that this material is infringing:

>
> Drawn Together NEW SEASON SNEAK PEEK: <http://www.youtube.com/watch?v=NWiSfnjkzvE>
>
> Please Note: Repeat incidents of copyright infringement will result
> in the deletion of your account and all videos uploaded to that
> account. In order to avoid future strikes against your account,
> please delete any videos to which you do not own the rights, and
> refrain from uploading additional videos that infringe on the
> copyrights of others. For more information about YouTube's
> copyright policy, please read the Copyright Tips guide.
>
> If you elect to send us a counter notice, to be effective it must
> be a written communication provided to our designated agent that
> includes substantially the following (please consult your legal
> counsel or see 17 U.S.C. Section 512(g)(3) to confirm these
> requirements):
>
> 1. A physical or electronic signature of the subscriber.
> 2. Identification of the material that has been removed or to
> which access has been disabled and the location at which the
> material appeared before it was removed or access to it was disabled.
> 3. A statement under penalty of perjury that the subscriber has
> a good faith belief that the material was removed or disabled as a
> result of mistake or misidentification of the material to be
> removed or disabled.
> 4. The subscriber's name, address, and telephone number, and a
> statement that the subscriber consents to the jurisdiction of
> Federal District Court for the judicial district in which the
> address is located, or if the subscriber's address is outside of
> the United States, for any judicial district in which the service
> provider may be found, and that the subscriber will accept service
> of process from the person who provided notification under
> subsection (c)(1)(C) or an agent of such person.
> Such written notice should be sent to our designated agent as follows:
>
> DMCA Complaints
> YouTube, Inc.
> 1000 Cherry Ave.
> Second Floor
> San Bruno, CA 94066
> Email: copyright@youtube.com
>
> Please note that under Section 512(f) of the Copyright Act, any
> person who knowingly materially misrepresents that material or
> activity was removed or disabled by mistake or misidentification
> may be subject to liability.
>
> Sincerely,
> YouTube, Inc.
>
> -----
> -----
>
>
>
> This is the reply to YouTube:
>

>
>
>
>
>
> From: Scott Hurwitz <scott@icedmedia.com>
>
> Date: December 18, 2006 4:53:46 PM EST
>
> To: copyright@youtube.com
>
> Subject: Account deletion
>
>
>
>
>
>
> Hello,
>
>
>
>
> This email is in response to the deletion of my YouTube account,
> username thatsfunny. The notice I received indicated that my
> account was deleted due to a copyright violation, specifically my
> posting of a video clip from Comedy Central's "Drawn
> Together" (<http://www.youtube.com/watch?v=NWiSfnjkzvE>).
>
>
>
> I hereby state, under penalty of perjury, that I have a good faith
> belief that the material was removed or disabled as the result of a
> mistake or misidentification of the material to be removed or
> disabled. I believe this claim of infringement was made in error.
> The company I work for, ICED Media, is currently under contract
> with Comedy Central to promote all of its properties online and we
> have expressly-granted permission, both verbal and written, from
> Comedy Central's new media department to distribute Comedy Central
> content on YouTube and other video sites. This permission
> includes, but is not limited to, clips from shows such as Drawn
> Together, South Park, Freak Show, Good God, The Adventures of
> Baxter and McGuire, The Naked Trucker and T-Bones Show, Comedy
> Central Roasts, and more. We also have similar contractual
> arrangements with Paramount Pictures, ATO Records, Jive Records,
> Def Jam Records, and others.
>
>
>
> Please reinstate my account and restore all uploaded videos at your
> earliest convenience. Thank you.
>
>
>
> Sincerely,
>
>
>
> Scott J. Hurwitz
>

> 415 W. Broadway #2N
>
> New York, NY 10012
>
> 646.753.6401
>
> I consent to the jurisdiction of the Federal District Court for the
> judicial district in which the above address is located.
>
>
>
>
>
>
>
>
>
> Scott J. Hurwitz
> Senior Vice President
> ICED MEDIA
> 415 W Broadway Ste 2N
> NY NY 10012-3737
> 646-753-6401
> scott@icedmedia.com
>
>
>
>
>
>
>

Scott J. Hurwitz
Senior Vice President
ICED MEDIA
415 W Broadway Ste 2N
NY NY 10012-3737
646-753-6401
scott@icedmedia.com

Rubin Exhibit 54

To: "copyright@youtube.com" <copyright@youtube.com>, "heather@youtube.com"
<heather@youtube.com>
From: "Farrell, Steve" <Steve.Farrell@spiketv.com>
Cc:
Bcc:
Received Date: 2007-02-04 13:42:01 CST
Subject: Please put SpikeTV back up

I know you're removing Viacom material, but you've suspended our account =istakenly. We entered into an agreement last year with YouTube for an =fficial Spike channel. All of those clips were legal. Exclusion of =he clips hosted within our Directors Channel should have been part of =he cease and desist order from Viacom. Please reinstate the account =mmediately.

Steve Farrell
VP of Digital Media
Spike

Rubin Exhibit 55

From: Courtney Nieman
Sent: Monday, February 05, 2007 6:17 PM
To: Mark M. Ishikawa
Subject: RE: Channel Partner: SpikeTV - suspended

There were four infringements in two notices. Once we got the infringements, a retraction was sent to YouTube - marked High Priority.

Courtney Nieman

-----Original Message-----

From: Mark M. Ishikawa
Sent: Sunday, February 04, 2007 10:42 PM
To: Courtney Nieman
Cc: Evelyn Espinosa; Travis Hill
Subject: Re: Channel Partner: SpikeTV - suspended

This is unacceptable. How many infringement notices were sent on this I'd? Did you send a retraction notice

Mark

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: Courtney Nieman <courtneyni@baytsp.com>
To: Mark M. Ishikawa <marki@baytsp.com>
CC: Evelyn Espinosa <evelyn@baytsp.com>; Travis Hill <travish@baytsp.com>; Courtney Nieman <courtneyni@baytsp.com>
Sent: Sun Feb 04 18:02:48 2007
Subject: Channel Partner: SpikeTV - suspended

Mark,

We may have caused a channel partner account to be suspended. Before the big notice went out, we filtered the "approved usernames" from the list. However, no one put a rule (until today) to filter those out in case they made it in from BVM. There is nothing in the TERMS OF SERVICE on YouTube that states a single notice would cause the suspension of an account.

So bottom line: we sent a single notice to YouTube today for user SpikeTV. It may have included multiple infringements - we are investigating. We now have rules in place to avoid this problem in the future. This is my "oh shit" for the day.

Courtney Nieman
Manager Client Services
BayTSP, Inc.
408-341-2314
AIM: BayTSPCanne
Have you checked out BayTSP's Piracy news web log? <http://www.baytsp.com/weblog>

The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone (408-341-2300) or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

Rubin Exhibit 56

To: "Jennifer Sida" <jen@youtube.com>
From: "Micah Schaffer" <micahs@google.com>
Cc: "Joanna Ging" <jging@youtube.com>, "youtube-support-leads@google.com"
<youtube-support-leads@google.com>, "scimino@google.com" <scimino@google.com>
Bcc:
Received Date: 2007-03-16 22:09:44 CST
Subject: Re: [YouTube-support-leads] FW: Paraccount Disabled

Courntey from BayTSP verbally gave permision to reinstate over the phone, with a formal retraction email to follow. This account was included in a whitelist BayTSP was given by Viacom, however it wasn't put into place until after the 100k removal and she is looking into how the Norbit video was removed.

I've reinstated the channel, it may take some time for all of the videos to function properly again. One day, max.

Micah

On 3/16/07, Jennifer Sida <jen@youtube.com> wrote:

>
> thanks for looking into this.
>
> On 3/16/07, Joanna Ging <jging@youtube.com> wrote:
>>
>> Thanks Micah!
>>
>> Just want to let you know that this account is in fact belong to
>> Paramount Pictures. When can we get their channels back live?
>>
>>
>> *Joanna Ging*
>>
>> *Media Coordinator*
>>
>> [REDACTED]
>>
>>
>> *Email: ** jging@youtube.com*
>>
>>
>>
>> **
>>
>>
>> -----
>> *From:* Micah Schaffer [mailto:micahs@google.com]
>> *Sent:* Friday, March 16, 2007 2:54 PM
>> *To:* Joanna Ging
>> *Cc:* youtube-support-leads@google.com
>> *Subject:* Re: [YouTube-support-leads] FW: Paraccount Disabled
>>
>>
>> The account received 3 DMCA removals from Viacom, two were part of the
>> 100k removal for Jack Ass trailers, the most recent was March 2 for "Norbit
>> - Trailer #1".

>>
>> I will contact BayTSP (Viacom's DMCA agent) and suggest that they
>> retract the claims.
>>
>> Micah
>>
>> On 3/16/07, Joanna Ging <jging@youtube.com> wrote:
>>>
>>> Hey SQUAD,
>>>
>>> I know you guys are all out and having fun in the conference but if
>>> someone get a chance to come across this email, please look into the account
>>> below for my client.
>>>
>>> It is urgent that we get their channel back up ASAP. Thanks!
>>>
>>> Please let me know if you need any other info.
>>>
>>>
>>> *Joanna Ging*
>>>
>>> *Media Coordinator*
>>>
>>> [REDACTED]
>>>
>>>
>>> *Email: ** jging@youtube.com*
>>>
>>>
>>>
>>>
>>> **
>>>
>>>
>>>
>>> -----
>>> *From:* Tipton, Kristina - Paramount [mailto:Kristina_Tipton@Paramount.com
>>>]
>>> *Sent:* Friday, March 16, 2007 1:39 PM
>>> *To:* Joanna Ging
>>> *Cc:* Bordo, Sara - Paramount; Chiang, Catherine - Paramount
>>> *Subject:* FW: Paraccount Disabled
>>> *Importance:* High
>>>
>>>
>>>
>>> Hi Joanna,
>>>
>>>
>>>
>>> As discussed, here is the account that is down for us:
>>>
>>>
>>>
>>> Username: Paraccount
>>>
>>> PW: [REDACTED]
>>>
>>>

>>>
>>> This was also reported to our sales team, but please let us know what
>>> we can do to figure out what happened and what we can do to get this back
>>> up.
>>>
>>>
>>>
>>> Thanks so much!
>>>
>>>
>>>
>>> Kristina Tipton
>>>
>>> Paramount Pictures
>>>
>>> Interactive Coordinator, Promotions & Publicity
>>>
>>> 323-956-8453
>>> -----
>>>
>>> *From:* Bordo, Sara - Paramount
>>> *Sent:* Friday, March 16, 2007 1:32 PM
>>> *To:* 'Sam Cimino'; 'Suzie Reider'; 'jeben@youtube.com'
>>> *Cc: *Tipton, Kristina - Paramount
>>> *Subject:* Paraccount Disabled
>>> * Importance:* High
>>>
>>>
>>>
>>> Our studio user account for some reason was disabled. Can someone get
>>> this live again asap and let us know what occurred? Thanks
>>>
>>>
>>>
>>> User is: Paraccount
>>>
>>>
>>>
>>> Sara Bordo
>>>
>>> Executive Director
>>>
>>> Motion Picture Interactive Marketing
>>>
>>> Paramount Pictures
>>>
>>> 323.956.8499 t
>>>
>>> 323.862.1107 f
>>>
>>>
>>>
>>>
>>> _____
>>> YouTube-support-leads mailing list
>>> YouTube-support-leads@google.com
>>> https://mailman.corp.google.com/mailman/listinfo/youtube-support-leads
>>>
>>>

> > >
> >
> >
>
>
>
>
> --
> Jen Sida
> Sales Representative
>
> jen@youtube.com
> [REDACTED]
> fax: 650.648.1331

Rubin Exhibit 57

From: Courtney Nieman
Sent: Saturday, March 17, 2007 12:04 AM
To: Mark M. Ishikawa
Cc: Evelyn Espinosa; Courtney Nieman
Subject: Paramount YouTube account PARACCOUNT

Mark,

An authorized Paramount account on YouTube: Paraccount, was shut down today due to Terms of Service violations on YouTube. Kristina Tipton called me at around 2pm to let me know and I started digging in on our side. I couldn't find anything in CIMS, and DC has still not gotten back to me, so I contact YouTube.

Most of the support team at YouTube is out of town at a conference, but Micah did call me back with useful information. The first 2 strikes against paraccount came from the major notice on 2/2/07. The third strike was received by YouTube on March 2, for a Norbit infringement. After speaking with Micah, I asked him to restore Paramount's account and I would follow up with a formal retraction to the three infringements Bay has sent. He agreed and made that happen.

I spoke with Kristina again at around 3:45 and filled her in on what I knew at that time. She confirmed that the paraccount was back online and functioning again. I have promised to give her a more complete report on Monday. I have DC looking for any infringement sent to YouTube for user name paraccount. I have also asked YouTube to give me notice ID's. So I am confident that I can fulfill my promise as scheduled on Monday.

I will have my cell phone with me, so give me a call if you have any questions.

Courtney

Rubin Exhibit 58

From: "Brendan Kane" <BKane@lakeshoreentertainment.com>
Date: Thu, 11 Oct 2007 09:24:52 -0700
To: "Powell, Amy - Paramount" [REDACTED]

Hey there. Long time no talk. How is everything??

I have a question for you: apparently, a "Last Kiss" related video located on our page was flagged by someone at Paramount or by a company that Paramount hired (Claimant: Paramount Pictures Corporation on 10.04.2007), and I need to have someone at Paramount retract the claim against our account in order for our page to reinstated. Can you point me in the right direction?

Thanks!

Brendan Kane
9268 W. Third St.
Beverly Hills, CA 90210
Work: 310-867-8028
Cell: 310-435-4492
bkane@lakeshoreentertainment.com

From: jging@google.com [mailto:jging@google.com] On Behalf Of Joanna Ging
Sent: Monday, October 08, 2007 8:46 PM
To: Brendan Kane
Cc: Matthew Jordan; Janee Poore
Subject: Re: Question for you...

And here's additional info on how to reinstate your channel:

1. Have the claimant, who claimed that the videos were allegedly infringing, retract the claim against the videos that were removed from the account by writing to copyright@youtube.com

-OR-

2. Submit a counter-notification to us at copyright@youtube.com. Have them visit <http://www.google.com/support/youtube/bin/answer.py?answer=59826> <<http://www.google.com/support/youtube/bin/answer.py?answer=59826&query=counter&topic=&type=>>> &[query=counter&topic=&type=>](http://www.google.com/support/youtube/bin/answer.py?answer=59826&query=counter&topic=&type=>) for more information on how to file a counter notification.

On 10/8/07, Joanna Ging <jging@youtube.com> wrote:

Hi Brendan,

Below is what my our Content team instructed to do to reinstate your acct:

The owners of the "lakeshoreent" account will either have to have the claim made against its account retracted or submit successful counter notification in accordance with the DMCA.

Here are three allegedly infringing videos that caused the three strikes made against the account:

1. "CRANK - clip from the movie" at http://www.youtube.com/watch?v=kFBAc2-W5_8 <http://www.youtube.com/watch?v=kFBAc2-W5_8>
Claimant: Lions Gate Films, Inc. on 01.17.2007

2. "CRANK - clip from the movie" at
<http://www.youtube.com/watch?v=C2h1bJk9W9o>
Claimant: Lions Gate Films, Inc. on 01.19.2007

3. Clip from the movie The Last Kiss
<http://www.youtube.com/watch?v=O6ykhnYgmR0>
Claimant: Paramount Pictures Corporation on 10.04.2007

Please let me know if you need help or if you have other questions. Thanks!

On 10/5/07, Brendan Kane <BKane@lakeshoreentertainment.com
<mailto:bkane@lakeshoreentertainment.com> > wrote:

Hi Joanna,

The account is YouTube.com/LakeshoreEnt

All of the content on the page was from movies that Lakeshore Entertainment has produced and we have the right to distribute the content.

If you have any further questions please let me know.

Thanks!

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bkane@lakeshoreentertainment.com

From: Matthew Jordan [mailto:MJordan@mgm.com]
Sent: Friday, October 05, 2007 5:52 PM
To: Joanna Ging; Janee Poore
Cc: Brendan Kane
Subject: Re: Question for you...

Joanna, I have cc'd Brendan Kane on this email. He will be able to send you all the info below. Thanks Ladies for all your assistance. Have a great weekend.

--
Matthew Jordan
Digital Marketing
MGM Studios
310.449.3888

On 10/5/07 5:41 PM, "Joanna Ging" <jging@youtube.com <mailto:jging@youtube.com> > wrote:

Hi Matthew,

Can you send me the username to the account and I'll forward this to our content team to take a look.

Thanks!

--

Joanna Ging
Media Coordinator

[REDACTED]
Email: jging@youtube.com

--
Joanna Ging
Media Coordinator

[REDACTED]
Email: jging@youtube.com <<mailto:jging@youtube.com>>

Rubin Exhibit 59

From: "Warren Kim" <warrenk@baytsp.com>
Date: Fri, 19 Oct 2007 14:50:59 -0700
To: "Al Perry" <alfred_perry@paramount.com>, "Amy Powell" <[REDACTED]>, "Scott Martin" <scott_martin@paramount.com>
Cc: "Teifeld, Tamar - Paramount" <Tamar_Teifeld@paramount.com>, "Megan Wahtera" <megan_wahtera@paramount.com>, "RADAR" <RADAR@baytsp.com>, "Andrea Cordone" <andreac@baytsp.com>, "Solow, Warren" <Warren.Solow@viacom.com>, "Pierre-Louis, Stanley" <Stanley.Pierre-Louis@viacom.com>
Subject: RE: Need Your Help with a LAST KISS Claim

The videos and user accounts for Lakeshore Entertainment have been reinstated.

All of the following have been confirmed as active:

<<http://www.youtube.com/watch?v=O6ykhnYgmR0>> <http://www.youtube.com/watch?v=O6ykhnYgmR0>

<<http://www.youtube.com/watch?v=jYgZ-jNhi1U>> <http://www.youtube.com/watch?v=jYgZ-jNhi1U>

<<http://www.youtube.com/watch?v=xHVqXaC-NIA>> <http://www.youtube.com/watch?v=xHVqXaC-NIA>

Thank you,
Warren Kim

From: Al Perry
Sent: Wednesday, October 17, 2007 4:08 PM
To: Warren Kim; Amy Powell; Scott Martin
Cc: Teifeld, Tamar - Paramount; Megan Wahtera; Sarah Cruz; Andrea Cordone; Solow, Warren; Pierre-Louis, Stanley
Subject: RE: Need Your Help with a LAST KISS Claim

Warren Kim, you should also speak with Warren Solow to discuss/update him on changes that you/Bay implement.
Thanks.

From: Warren Kim [mailto:warrenk@baytsp.com]
Sent: Wednesday, October 17, 2007 4:06 PM
To: Perry, Alfred - Paramount; Powell, Amy - Paramount; Martin, Scott - Paramount
Cc: Teifeld, Tamar - Paramount; Wahtera, Megan - Paramount; Sarah Cruz; Andrea Cordone
Subject: RE: Need Your Help with a LAST KISS Claim

Hello,

At this moment, we are submitting an urgent retraction request to YouTube regarding this matter. Also, we have spoken with Brendan at Lakeshore and assured him that we are on top of this. Upon further investigation, YouTube has suspended the account(s) in question, so we are working to reinstate them in addition to the specified content.

Further, we have added filters to our systems to prevent any future issues with YouTube content submitted by Lakeshore Entertainment.

We are using a direct contact at YouTube and hope to catch him before he has left today. Regardless, I will follow-up tomorrow morning to ensure that the matter is taken care of.

Thank you,

Warren

From: Al Perry
Sent: Wednesday, October 17, 2007 3:04 PM
To: Amy Powell; Scott Martin; Warren Kim
Cc: Teifeld, Tamar - Paramount; Megan Wahler
Subject: RE: Need Your Help with a LAST KISS Claim

Warren Kim, please have whatever below is claimed by Paramount reinstated, thanks.

From: Powell, Amy - Paramount
Sent: Wednesday, October 17, 2007 3:00 PM
To: Perry, Alfred - Paramount; Martin, Scott - Paramount; 'Warren Kim'
Cc: Teifeld, Tamar - Paramount; Wahler, Megan - Paramount
Subject: Need Your Help with a LAST KISS Claim

Our LAST KISS soundtrack partner, LakeShore has brought to our attention that a clip has been wrongfully identified as a copyright infringement on YouTube and has been removed... Can you pls help us rectify this situation and re-instate the clip?

Thanks.

<<http://www.youtube.com/watch?v=O6ykhnYgmR0>> <http://www.youtube.com/watch?v=O6ykhnYgmR0>
Claimant: Paramount Pictures Corporation on 10.04.2007

Thanks!

Brendan Kane

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Beverly Hills, CA 90210

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Cell: 310-435-4492

bkane@lakeshoreentertainment.com